

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 10, 2004**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map (FLUM) Amendment – Medium Density Residential to Community Commercial, 2400 Block of Langhorne Road.

RECOMMENDATION: Denial of the requested amendment.

SUMMARY: Laird Lynchburg, LLC is petitioning to amend the Future Land Use Map in the 2400 Block of Langhorne Road from Medium Density Residential to Community Commercial to allow the rezoning of the property for a pharmacy and associated parking. The Planning Commission recommended denial of the Future Land Use Map Amendment because:

- Petition does not agree with the *Comprehensive Plan* which recommends Medium Density Residential land uses for the subject property.
- Petition does not agree with the *Comprehensive Plan* which includes the subject property in the Plaza/Midtown Mixed Use Area.
- Petition does not agree with the *Comprehensive Plan* which includes the subject property in the Plaza/Midtown Revitalization Area.
- Petition is an expedient spot amendment that does not support the vision, plan framework policies, or goals and objectives of the *Comprehensive Plan*.
- Petition is not in the best interest of the City and serves primarily the interests of the property owner and developer.
- Petition would require the demolition of sound multi-family housing and relocation of residents.

PRIOR ACTION(S):

July 28, 2004: Planning Division recommended denial of the Future Land Use Map amendment.
Planning Commission recommended denial (7-0) of the Future Land Use Map Amendment.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902
Tom Martin / 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Speaker sign up sheet

REVIEWED BY:

ORDINANCE

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY IN THE 2400 BLOCK OF LANGHORNE ROAD FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice that 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Amend the future land use map for the subject property from Medium Density Residential to Community Commercial in the 2400 Block of Langhorne Road.

The area embraced within the following boundaries:

Beginning at a ½" rebar (found) in the southwesterly right-of-way line of Langhorne Road; thence with the arc of a curve to the right having a chord bearing and distance of S 05° 39' 56" E 21.87', a radius of 15.00' and an arc length of 24.51' to a ½" rebar (found) in the northwesterly right-of-way line of Murrell Road; thence departing said rebar and continuing coincident with said right-of-way line S 41° 21' 22" W 363.66' to a set rebar and cap stamped "Miller Land Surveying LLC" (hereinafter called "MLS") in said right-of-way line; thence departing said rebar and continuing with a new divisional line the following five calls: N 48° 38' 38" W 146.24' to a "MLS" (set); thence N 43° 43' 03" E 36.28' to a "MLS" (set); thence N 45° 59' 08" W 25.00' to a "MLS" (set); thence N 43° 43' 03" E 28.18' to a "MLS" (set); thence N 46° 11' 58" W 117.93' to a "MLS" (set) in the southeasterly right-of-way line of Carrington Road; thence departing said rebar and continuing coincident with said right-of-way line of N 44° 07' 34" E 258.76' to a ½" rebar (found) in said right-of-way line; thence departing said rebar and continuing with the arc of a curve to the right having a chord bearing and distance of N 78° 35' 53" E 17.07', a radius of 15.00' and an arc length 18.16' to a ½" rebar (found) in the southwesterly right-of-way line of Langhorne Road; thence departing said rebar and continuing coincident with said right-of-way line the following two calls: S 66° 01' 55" E 86.62' to a drill hole in concrete (set); thence S 52° 07' 55" E 165.19' to the beginning containing 94,140 square feet, 2.161 acres more or less.

. . . is hereby amended on the Future Land Use Map from Medium Density Residential District to Community Commercial.

And the Director of Community Planning and Development shall forthwith cause the Official Land Use Map and the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504434-455-3900

To: Planning Commission
From: Planning Division
Date: July 28, 2004
Re: **COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT: Medium Density Residential to Community Commercial, in the 2400 Block of Langhorne Road, corner of Langhorne Road and Murrell Road.**

I. PETITIONER

Laird Lynchburg, LLC, 5500 Lonas Drive, Suite 300, Knoxville, TN 37923

Representative: Ms. Robyn Askew, Laird Lynchburg, LLC, 550 Lonas Drive, Suite 300, Knoxville, TN 37923.

II. LOCATION

The subject property is a tract of approximately 2.2 acres located in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road.

Property Owners: Mr. Schaffer Oglesby, Village Oaks, L.P., 1401 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to amend the City of Lynchburg Comprehensive Plan Future Land Use Map, specifically a portion of approximately 2.2 acres in the 2400 Block of Langhorne Road (Between Murrell Road and Carrington Road), from Medium Density Residential to Community Commercial to allow the construction of a pharmacy and associated parking.

IV. SUMMARY

- Petition does not agree with the *Comprehensive Plan* which recommends Medium Density Residential land uses for the subject property.
- Petition does not agree with the *Comprehensive Plan* which includes the subject property in the Plaza/Midtown Mixed Use Area
- Petition does not agree with the *Comprehensive Plan* which includes the subject property in the Plaza/Midtown Revitalization Area.
- Petition is an example of an expedient spot amendment that does not support the vision, plan framework policies, or goals and objectives of the *Comprehensive Plan*; the petition is not in the best interests of the City and serves primarily the interests of the property owner and developer. As such, it should not be considered.
- Petition proposes the use of the subject property as a pharmacy with associated parking, following demolition of 22 units of existing multifamily housing.
- Petition accompanies a petition to rezone the subject property from R-4, Multi-Family Residential to B-3(C), Community Business District (Conditional)

The Planning Division recommends denial of the Future Land Use Map Amendment petition.

V. FINDINGS OF FACT

1. **Medium Density Housing.** The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential land use for the subject property. Medium Density Residential areas are characterized by small lot single family detached housing, duplexes, or townhouses at densities up to twelve (12) units per acre. Where medium density neighborhoods already exist, infill development should be at a compatible density and housing type.

The subject property was designated Medium Density Residential based on the current land use—apartments—and the projected future need for multifamily housing in the area. Medium Density Residential is compatible with E. C. Glass High School, an institutional use across Murrell Road, as well as the low scale professional office buildings across Langhorne Road.

The project as proposed would displace the residents of 22 units in the five and one half (5-1/2) existing apartment buildings proposed for demolition. Maintaining a variety of sound housing options and increasing the number of people that live in the neighborhood will be a key in the redevelopment of the area. Retail follows housing. Demolition of the existing apartment buildings will not further any of the goals or objectives of the *Comprehensive Plan*.

2. **Plaza/Midtown Mixed Use Area.** The *Comprehensive Plan* designates the subject property as being in the Plaza/Midtown Mixed Use Area, one of five such areas in the City. Mixed Use Areas are planned to include a combination of uses carefully laid out to complement each other and to mitigate any potential land use conflicts. The Plaza/Midtown is one area where most, if not all, of the existing uses could be incorporated into a redevelopment plan.

The Plaza/Midtown area was the City's first commercial area outside of the downtown and is planned for redevelopment. This area contains the Plaza Shopping Center, E. C. Glass High School, the City's main library, the City's main bus transfer center, office, and residential uses. The goal for this area as stated in the *Comprehensive Plan* is to redevelop the area into an integrated in-town community with a commercial retail core, surrounded by medium to high density housing, professional offices, with a complementing high school and library. The redevelopment is proposed to follow traditional neighborhood development principles and eliminate blight in the Plaza area.

The project as proposed would not further the concept of creating a commercial core for the Plaza/Midtown area as it would not be in close proximity to any other retail use and would require the demolition of medium density housing that is located around the commercial retail core.

3. **Plaza/Midtown Revitalization Area.** The *Comprehensive Plan* also designates the subject property as being in the Plaza/Midtown Revitalization Area, one of four such areas in the City. Revitalization Areas are older commercial areas that have experienced a decline in vitality and are targeted by the Comprehensive Plan for rehabilitation and/or redevelopment. Revitalization of the Plaza/Midtown area will meet many City goals, including: restoration of an historic mercantile area, elimination of vacancy and blight, provision of retail services and employment opportunities in close proximity to inner City neighborhoods, reliance on existing City infrastructure, possible reuse of existing buildings, and improvement in the City's image.

Ultimately, the City will develop and implement a revitalization plan for the area. The Comprehensive Plan contains general recommendations for revitalization areas that serve as interim policies to guide any changes proposed for these areas before revitalization plans can be adopted. The interim policies most relevant to the Plaza/Midtown Area are:

- The City should refrain from expanding business and industrial zoning in these areas.
- The City will entertain proposals for the addition or improvement of residential uses in and around revitalization areas to provide more customers for the businesses there. Such proposals should support neighborhood conservation goals.
- The City will entertain mixed use and/or TND redevelopment proposals for the Plaza/Midtown Area.
- Road improvement plans must consider not only the movement of through traffic, but also the movement of vehicles and pedestrians within these Revitalization Areas. Road improvement should not damage or further reduce community cohesion and aesthetic qualities.

The project as proposed is directly counter to each of these interim policies. First, it is an expansion of commercial zoning outside of the commercial core. Second, the project will result in the loss of housing essential to redevelopment of the area. Third, the proposed project is not a mixed use or TND redevelopment proposal. Such a proposal would incorporate the drug store into the commercial core, would require the building to front on the sidewalk, and would put the parking behind or at the side of the building. Fourth, the proposed project would place a high traffic generator—with a drive-through window—in close proximity to lower traffic generators (residences and professional offices). There is also a potential for conflict with E. C. Glass students and faculty at the beginning and end of the school day.

The *Comprehensive Plan* includes a description and recommendations specifically for the Plaza/Midtown Revitalization Area. As a retail area, the Plaza has been overshadowed by new retail developments elsewhere in the City. Residential areas in close proximity to the Plaza—west of Memorial Avenue between Alleghany Avenue and Wadsworth Street and along Oakley Street—have been rezoned to permit

businesses uses, and subsequently many of the existing houses have been converted for a range of business uses.

According to the Plan, the Plaza/Midtown area represents a significant opportunity for reinvestment and redevelopment into an integrated in-town mixed use community with a commercial core, medium to high density housing, and professional offices, as outlined in the City's TND Ordinance. Plaza/Midtown already includes some of the civic uses and transportation resources desired in a TND. New residential and office uses need to be added and retail areas redeveloped in order to achieve a balance of uses contemplated in a TND. The addition of new residential areas is essential to the revitalization of retail and should be a focus of City revitalization efforts.

In addition to the general recommendations and interim policies for all revitalization areas outlined above, the *Comprehensive Plan* lists the following issues that need to be addressed specifically in the revitalization plan for the Plaza/Midtown area:

- Feasibility of redevelopment of The Plaza Shopping Center as a pedestrian and transit-oriented retail core for the area
- Addition of residential uses in and around the Plaza and along the Atherholt and Tate Springs road extensions
- Addition of office uses with proximity to the hospital
- Site and building design to take advantage of the excellent views of the Blue Ridge Mountains from the Plaza site
- Redevelopment or aesthetic improvements to the strip commercial along Memorial Avenue
- Incorporation of TND principles in the design of the area

The project as proposed is just the opposite of what is needed to address these issues. First it would detract from the feasibility of redeveloping the Plaza as the retail core. Second, it would subtract rather than add residential uses. Lastly, the design of the project does not follow TND principles and would detract from surrounding uses that do. For example, the professional offices across Langhorne Road are low scale, separated from the sidewalk only by a narrow landscaped yard, and have parking in the rear.

4. Expedient Spot Amendment.

Chapter 17 of the Comprehensive Plan includes a description of the process to amend the plan. One of the circumstances in which a plan amendment would be necessary is occurs when “[a] private sector proposal for development or redevelopment is not in conformance with the plan and requires a rezoning or conditional use permit as well.” The applicant for the rezoning (or conditional use permit) is to petition for the Future Land Use Map amendment along with the rezoning. City staff is to review the petition for the amendment and make a recommendation to the Planning Commission as is done for the rezoning.

The Plan continues:

In reviewing plan amendments, the City will consider whether the proposal supports the vision, plan framework policies, and goals and objectives of the Comprehensive Plan. Expedient spot amendments that do not support the vision, framework, policies, and goals and objectives of this Comprehensive Plan; that are not in the best interests of the City; and that serve only the interests of the property owner will not be considered. (page 17.5)

Since this proposal is in direct opposition to the land use designation (Medium Density Residential) and is not in agreement with the concept and recommendations for either the Plaza/Midtown Mixed Use Area or the Plaza/Midtown Revitalization Area, it does not support the Comprehensive Plan and is not in the best interests of the City. Therefore, this plan amendment should not be considered.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council denial of the petition of Laird Lynchburg, LLC to amend the City of Lynchburg

Comprehensive Plan from Medium Density Residential to Community Commercial in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road for the construction of a pharmacy and associated parking.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Ms. Robyn Askew, Petitioner/Representative

MINUTES FROM THE JULY 28 PLANNING COMMISSION MEETING

These minutes have been reviewed by, but not approved by the Planning Commission

Petition of Laird Lynchburg, LLC to amend the Future Land Use Map for approximately 2.2 acres in the 2400 Block of Langhorne Road, from Medium Density Residential to Community Commercial.

Mr. Tom Martin, City Planner, explained that this petition proposed an amendment to the Comprehensive Plan's Future Land Use Map (FLUM) for the property located in the 2400 block of Langhorne Road. He said the proposal would change approximately 2.2 acres from Medium-Density Residential to Community Commercial to facilitate the rezoning of the property from R-4 Multi-Family Residential to B-3 Community Business District (Conditional) to allow for the construction of a 14,500 square foot pharmacy with 65 parking spaces. He said that the Planning Commission needed to decide at this meeting if a change in the Future Land Use Map was justified.

Mr. Martin explained that the Planning Division believed that the petition did not agree with any aspect in the Comprehensive Plan, which was adopted in 2002 and was a guide for the City's development and redevelopment for the next 20 years. He continued by saying that the Comprehensive Plan recommended a Medium-Density Residential Use for the subject property, characterized by small lots, single-family housing, duplexes and townhomes with densities of up to twelve units per acre. He added that where neighborhoods already existed infill development should be compatible in scale, density, and housing type. He noted that this proposal was not compatible in scale, in use, would require the demolition of five and one half existing apartment buildings, and would displace existing residents from the neighborhood.

Mr. Martin said that the Comprehensive Plan included this area in the Plaza/Midtown Mixed Use area (Plaza/Midtown MXD), and continued to explain that the Mixed Use areas were planned to include a combination of uses carefully laid out to complement each other, with potential land use conflicts to be mitigated. He said the existing uses in the Plaza/Midtown MXD could be incorporated into the redevelopment plan, and pointed out that many of the needed uses were already in place, such as a main bus transfer terminal, the library, E.C. Glass High School, and the hospital.

Mr. Martin said these areas should also be redeveloped following Traditional Neighborhood Development principles of the Commercial Core. He explained that the Planning Division believed that the submitted plan and proposal was not a mixed use. He said the submitted plan indicated a typical retail use facility with a building setback of over ninety feet from the property line and surrounded by parking. Mr. Martin added that the required front yard set back in the area was twenty feet with typical existing building set backs in the area being twenty-five to thirty feet with parking to the sides and rear of the buildings. Continuing, he explained that the submitted plan did not incorporate any Traditional Neighborhood Development (TND) principles of buildings in relation to streets or pedestrians, and added that given the fact that there were a multitude of auto-oriented businesses and services in the City, when developing the Comprehensive Plan the City saw the older neighborhood as an opportunity for redevelopment and a mixed-use village approach where people could live, work, and shop by foot if they choose. He said the main focus of the proposed development was that of an automobile. Mr. Martin explained that the Comprehensive Plan included this area in the Plaza/Midtown Revitalization Area, noting that the Plaza was one of the oldest commercial areas in the City outside of the downtown. He said the Plaza was planned to be revitalized and was targeted as being the commercial core for the area. Mr. Martin said that entertaining spot amendments to the plan for redevelopment of retail uses would over shadow the Plaza as the retail core.

Mr. Martin said that the Comprehensive Plan recommended refraining from expanding business and industrial zoning in this area. He said the proposal was for a commercial map amendment and a commercial rezoning, and explained that the Comprehensive Plan recommended entertaining proposals for the addition of residential uses in the area. He noted that the proposal would demolish sound housing stock and remove existing residents from the area. He added that the Comprehensive Plan recommended entertaining mixed use and TND redevelopment proposals. He said the submitted plan was a typical sprawl-type development that followed no TND principals and again was not a mixed use.

Mr. Martin added that road improvement plans must consider the movement of through traffic, but also the movement of pedestrians and vehicles in the area. Mr. Martin said there was no consideration given as to how the development would effect the pedestrian and very limited thought had been given to vehicular traffic other than what was best for the proposed pharmacy use.

Mr. Martin said Chapter 17 of the Comprehensive Plan described the process for a plan amendment that was similar to that of a rezoning amendment. He continued by saying that at the May 18, 2004 Technical Review Committee (TRC)

meeting, Comment 5 from the Planning Division stated that, "The Future Land Use Map Amendment will be required in order for the rezoning to occur. Submit a letter requesting an amendment to the Land Use Map from Medium-Density Residential to Community Commercial". A letter requesting that change was received by the Planning Commission on June 9, 2004. Quoting from the plan, he continued, "In reviewing plan amendments the City will consider whether the proposal supports the vision, plan framework, policies, and goals and objectives of the Comprehensive Plan. Expedient spot amendments that do not support the vision, framework policies, and goals and objectives of this Comprehensive Plan; that are not in the best interest of the City; and that serve only the interests of the property owners will not be considered."

As demonstrated above, Mr. Martin continued, the proposal did not meet any of the policies, goals or objectives of the Comprehensive Plan. He said the Planning Division recommended denial of the proposed Future Land Use Map amendment as it did not further the policies, goals or objectives of the Comprehensive Plan. He added that the plan was less than two years old and there had been no change in the area justifying a change in the Land Use Map. He said the Planning Division believed that this would not serve the best interest of the neighborhood or the City.

Mr. Ted Craddock, lawyer, 2306 Atherholt Road, represented Laird Lynchburg, LLC in this Future Land Use Map amendment. He explained that the property under consideration was currently owned by Village Oaks, LP, and one of the principals in that ownership, Mr. Schaeffer Oglesby, was in attendance at this meeting. Mr. Craddock reminded the Commission that this portion of the street from Holy Cross School to Memorial Avenue included several banks, filling stations, florist, offices, the local TV station, the hospital, a high school, and many other businesses, plus two residential areas. He said the petitioner was asking to remove five and one half of the buildings, which included removing the parking from Langhorne Road. Mr. Craddock said there were currently twenty-five vacant units, but only eight vacancies were in the buildings that were scheduled to be demolished. He said people did not want to live in the units fronting on Langhorne Road, and asked how this project would be detrimental and forever change this area. He noted that the project would replace five of those tired apartments, close to a busy commercial thoroughfare with an expensive, well-designed, well landscaped pharmacy, retaining many of the large trees, and added that the residents of the area would benefit from the pharmacy. Mr. Craddock said there would be foot traffic from the businesses and residents in the area, and said that the development would benefit the City and provide employment.

Mr. Craddock addressed the Comprehensive Plan concerning the Future Land Use Map. He said the FLUM showed this area as "Midtown Mixed", meaning mixed use for residential, businesses, and offices. He continued by saying that Chapter 5 of the Comp Plan said the Mixed-Use areas and the Midtown MXD had a goal to revitalize the area, and said this was what this project would do. He noted that Paragraph 5.6 indicated that in the Midtown use areas that did not fit a single use category were shown under the "Xs" on the diagram at this meeting. Mr. Craddock continued by saying that if only retail was located in the Plaza, what would happen to the Mixed-Use area they had been talking about. He said the Plaza already had mixed uses, and was not entirely commercial retail. He pointed out that if the Land Use Plan demanded more Medium Density housing, then there was property off Atherholt Road that could be utilized as well as available areas in the Langhorne area. He said he understood that Planning Division's argument as this: "We determine the Plaza to be a part of the Mix-Use plan. No community retail is going anywhere in this area but the Plaza. No community businesses currently on Langhorne will now be able to go anywhere but in the Plaza, because that is going to be the community district. This does not benefit the City". He added that he differed with Mr. Martin's comments indicating that this was an expedient spot amendment, which did not support the plan at all. Mr. Craddock said any retail on Langhorne Road would not be a spot amendment. He added that this pharmacy would benefit the neighborhood and would draw from existing traffic on Langhorne Road. He explained his view of a mixed use as commercial, retail, residential, institutional and all of these things in conjunction with each other. He said what Ms. Askew wanted to do was put in an attractive commercial enterprise in conjunction with the apartments, businesses across the street, and with the properties that were around, and if the Planning Commission believed that an amendment to the Land Use Map must be made for projects such as this, then he asked them to do just that. He said they were talking about tax revenue, employment, and convenience to neighbors. Mr. Craddock respectfully requested that the Planning Commission recommend this project to City Council.

Mr. Phillip Royer, Architect with ASG, told the Commission that he could answer any questions they might have concerning the design of the site. He referred to one item Mr. Craddock brought up was that they did retain some large trees at the request of the Planning staff. He noted that the trees being retained were tulip poplars, oaks, and one holly tree. He said even though they were doing a lot of grading on the site, they had been able to retain these trees located around the perimeter.

Mr. Schaefer Oglesby, a principal in Village Oaks LP, addressed the Planning Commission. Mr. Oglesby said he checked before this meeting and found that there were currently twenty vacancies at Village Oaks with twenty-two units being displace. He said explained that 1985 the apartments were renovated, but need renovations now. He

added that it was difficult to rent the properties facing Langhorne Road because people do not want to park their cars on that street. He said if the rezoning was granted, he intended to buy his partners out which would give him control of the balance of the apartments. He said he spoke with Mr. Martin and they came up with an idea which would allow by zoning the construction of twenty-two units in the form of duplexes on the back portion of the property. He said he wanted to increase the number of units to 100 from the current 78. He said he realized that there was no guarantee to the Planning Commission that he would do what he was describing, but added that he had been around long enough that most of them know that he does what he says he is going to do. Mr. Oglesby added that at the same time he would be adding the new units, he would be able to refinance the whole complex and modernize and upgrade the 78 units that exist. He said the units would become an asset to the community.

Mr. Chris Gentry, Milton Realty Service Company, 7806 Timberlake Road spoke in support of the petition. He said for approximately five years he and Ms. Askew had been looking for a site on Langhorne Road for a Walgreens. He said he wanted to make some comments concerning the Findings of Fact in the Planning Division's report. He said the residents in the units that were set for demolition would be relocated at the owner's expense either within the existing development or at a nearby property. He said the number of renters who had given notice to be out by the end of the current month would bring the vacancies to twenty-five units. He noted that seventeen of those vacancies were in units other than the units slated for demolition.

Mr. Gentry said this project would give Mr. Oglesby the opportunity to make renovations, construct more units, and create a nicer development, which would hopefully achieve lower vacancy rates and bring more residents to the areas. He said it was hard to argue that they were destroying housing stock when the development as it stood was experiencing high vacancy rates. He added that in Item 2 – Plaza Mid-Town Mixed Use Area – the proposed development was basically a Mixed-Use development in itself with the pharmacy complementing the existing multi-family units. He said the convenience items that would be offered in the pharmacy would serve as an amenity in the neighborhood. He said the proposed use was a neighborhood pharmacy, which would thrive on existing neighborhoods in proximity to the medical hub and would not thrive in what was referred to here as a commercial core, similar to the Plaza.

Mr. Gentry added that the stated goals of revitalization (Paragraph 3) were to eliminate vacancy and blight, and to provide employment and retail opportunities in close proximity to intercity neighborhoods. He said none of the business owners in the area had protested this development, and in fact, he continued, they all stated that they thought this development would be beneficial to the area and would clean up that corridor. He noted that the average build from Tate Springs Road to the Chamber of Commerce on Memorial Avenue was 1965 with the most recent construction being the CVS drug store in 1999. He said the low-scale use referred to in the Planning Division's report were all B-1 uses, but the proposed development fell into a B-3 category and could not function in the design parameters of B-1 zoning. He added that the number of vacant business properties on Langhorne Road there were very few, and those vacant buildings did not have enough parking, the size was not easily divided, or had physical characteristics that limited the use. He said the subject property had a high vacancy rate and was failing as a residential development as it currently stood.

Mr. Gentry said he thought this commercial development was the highest and best use of the front of this property, and added that there were only three properties between Memorial Avenue and Tate Springs Road not zoned business and this was one of them. He said these circumstances dictate a change to the Future Land Use Map and Comprehensive Plan. He continued by noting that the FLUM was not static and could be changed due to changing conditions, and that the Comp Plan should only be used as guideline. Mr. Gentry said that in his opinion, this development did support the goals, framework and policies of the Comp Plan by improving and revitalizing the commercial corridor on Langhorne Road. He added that this development would enhance and provide a service to surrounding neighborhood without making a detrimental impact to the existing housing stock. He concluded by saying that the proposed development would serve the best interest of the City by creating employment, increasing the tax base, revitalizing area, and providing necessary service to the neighborhood.

Ms. Robyn Askew, Principal in Laird Development, located in Knoxville, Tennessee, addressed the Commission. Ms. Askew said she concurred with the speakers before her and added that she read the Comprehensive Plan and believed strongly that what they were proposing for this site fit squarely within what the City and the citizens had indicated that they want in this area.

Chair Dahlgren read a letter from Mr. Earl Dickerson, Jr., partner in 2524 Properties, LLC, stating their support for the rezoning petition for the 2400 block of Langhorne Road.

Mr. Bill Connelly, resident of the Langhorne Road area, expressed his concern that if this petition was approved, it would set a dangerous precedent for the future and damage the value of the surround property. He said only two of the buildings proposed for demolition faced Langhorne Road, with the other buildings facing Murrell. He commented that Mr.

Craddock did not live on the same end of Langhorne Road as the proposed project. Mr. Connelly said no one would want to cross Langhorne Road because of the heavy traffic unless an overpass or underpass was constructed. He noted that of the two service stations Mr. Craddock mentioned, only one was still in operation, with the second station being abandoned and in need of being cleaned up. He suggested that Walgreens help redevelop areas on Langhorne Road instead of destroying what was there.

Mr. Craddock gave a rebuttal. He said the buildings on the corner of the site faced the TV Station and the four remaining buildings faced Murrell Road. He said Mr. Connelly was correct in that one gas station was closed, but the site was zoned for a gas station. He said this project would benefit the residential area behind the site and was designed to capitalize on the existing traffic flow.

Commissioner Bacon reported that she had a phone call before this meeting from Mrs. Joseph Martin on Westerly Drive who could not attend this meeting. Mrs. Martin said she, her husband and some of the other neighbors on Westerly Drive were very concerned with the existing traffic issues along Langhorne Road, particularly when the school was in session. Commissioner Bacon said Mrs. Martin indicated that they would prefer that Walgreens not be allowed to go on that site, but they felt it was hopeless due to the fact that they previously petitioned the City to keep Westerly Drive closed, but that did not happen.

Commissioner Echols asked how many more housing units were going to go into Lynchburg.

Mr. Oglesby responded by saying that most of the focus on housing going up now was on the higher end, upper-middle to high income level. He said his apartments were for people of a moderate-income level.

Commissioner Pulliam asked if this rezoning was granted and Walgreens did build on this site, how could the City deny any future petition if another business wanted to locate on the lower half of the property.

Mr. Martin said they would be hard pressed to deny a similar petition for the lower half of the property because the Commission would have already set precedent and gone against the Land Use Plan.

Commissioner Worthington asked if the entrance to Murrell Road had been moved further away from the intersection at Langhorne Road since the rezoning came before them in June.

Mr. Martin explained that Mr. Gerry Harter, City Traffic Engineer, had forwarded an e-mail to him from an engineer with Hurt and Proffitt stating that Walgreens had made some concessions and tried to move the entrance on Murrell Road. However, he reminded the Commission, they were here to determine if this was an appropriate land use for the area.

Commissioner Echols commented that he did not know why this was the only optimal site in Lynchburg.

Commissioner Bacon said there was another drugstore already on Langhorne Road that was in a commercial area. She commented that this site was wonderful for the people who live there now. She added, though, the City designated this area for Medium to High-Density Residential, because it was adjacent to a school.

Chair Dahlgren said as they worked on the Comprehensive Plan, their intent was not to infringe upon businesses that were already in existence. He said they realized that in some of the areas businesses already existed, but they were not going to infringe upon their opportunity to stay in operation. He said the City designed the process to work on the neighborhoods which would develop as time went on.

Commissioner Flint said to allow this store for people to stop to get bread and milk would make it hard for a store to ever succeed in the Plaza. He voiced his vote against the FLUM request.

Commissioner Hamilton said she was torn. She said it was a shame that there were no essential services within walking distance in that area. She said she agreed with Commissioners Bacon and Flint in that the right place to put the drug store was the Plaza and that was where the City needed to start creating a TND. If they were truly going to develop a Traditional Neighborhood Development, she continued, they needed to make room for high-density development. She said maybe this was not the right opportunity for Mr. Oglesby to give his apartments a shot in the arm. Commissioner Hamilton said there needed to be housing and there needed to be essential services, but maybe this is not the right place for it.

Commissioner Echols said the citizens of the community worked hard to develop this Comprehensive Plan and took over two years to prepare. He said they did not want to jump the ship; changing the Comp Plan was not good planning.

Commissioner Worthington said the Comprehensive Plan was a living, breathing document, and added that the Commission should not turn down a project because it was not in the Comp Plan. He said each proposal needed to be looked at on its own merits, and noted that if they applied that principal to this petition, then they would have to apply it to every petition. He said he understood some of the reasons for this petition, but also understood that the Commission needed to be flexible when they looked at the plan. Commissioner Worthington said it would probably be difficult to develop the Plaza since nothing had happened at that site for a long time, but added that he was willing to go along with that idea and give it a trial run.

Chair Dahlgren said when they developed the Comp Plan they agreed that it was not lapidary and wanted to make sure everyone understood that. He said he could not condone changing the Plan for this request.

After discussion Commissioner Pulliam made the following motion which was seconded by Commissioner Echols and passed by the following vote:

“That the Planning Commission recommends to the City Council denial of the petition of Laird Lynchburg, LLC to amend the City of Lynchburg Comprehensive Plan from Medium Density Residential to Community Commercial in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road for the construction of a pharmacy and associated parking.”

AYES:	Bacon, Dahlgren, Echols, Flint, Hamilton, Pulliam, Worthington	7
NOES:		0
ABSTENTIONS:		0